

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Bright House Networks, LLC	)	CSR No. _____
	)	
For Determination of Effective Competition in:	)	
Escambia County, FL (FL0905)	)	
To: Office of the Secretary		
Attn: Chief, Media Bureau		

**PETITION FOR SPECIAL RELIEF**

Bright House Networks, LLC, (“Bright House Networks” or the “Company”), pursuant to Sections 76.7 and 76.907 of the Commission’s rules,<sup>1</sup> requests that the Commission find that it faces “effective competition” in the above-referenced franchise area (the “Franchise Area”).

The Communications Act of 1934, as amended (the “Act”), and the Commission’s rules provide that cable television rates may be regulated only in the absence of effective competition.<sup>2</sup> Cable operators are entitled to demonstrate that effective competition exists on a franchise-by-franchise basis.<sup>3</sup> When a cable operator demonstrates that effective competition is present within a franchise area, cable rates in the affected area are no longer subject to regulation.<sup>4</sup>

---

<sup>1</sup> 47 C.F.R. §§ 76.7 and 76.907.

<sup>2</sup> 47 U.S.C. § 543(a)(2); 47 C.F.R. § 76.905(a).

<sup>3</sup> 47 C.F.R. § 76.907.

<sup>4</sup> See *Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992, Rate Regulation*, 8 FCC Rcd. 5631, 5664-5665 (1993) (“Rate Order”).

Under the “low penetration” test set forth in Section 623(l)(1)(A) of the Act and Section 76.905(b)(1) of the Commission’s rules (the “Low Penetration Test”), a cable system serving less than 30 percent of the subscribers in a particular franchise area shall be deemed subject to effective competition and exempt from rate regulation in that community.<sup>5</sup> Bright House Networks satisfies the Low Penetration Test in the Escambia County Franchise Area.

To determine whether Bright House Networks subscribership is less than 30 percent in Escambia County, Bright House Networks compared the Company’s subscribership to the U.S. Census household figure for the community.<sup>6</sup> This comparison yields a penetration rate of 4.72 percent for Bright House Networks in this Franchise Area.<sup>7</sup>

Bright House Networks has demonstrated that fewer than 30 percent of the households in this Franchise Area subscribe to the Company’s cable service. Accordingly, Bright House Networks has satisfied the criteria for establishing effective competition under 47 C.F.R. § 76.905(b)(1) for the Escambia County Franchise Area.

---

<sup>5</sup> See 47 U.S.C. § 543(l)(1)(A) and 47 C.F.R. § 76.905(b)(1).

<sup>6</sup> See Exhibit 1.

<sup>7</sup> See Exhibit 2.

## **CONCLUSION**

Based on the evidence presented herein, Bright House Networks respectfully requests that the Media Bureau issue an order acknowledging the presence of effective competition in the Escambia County, Florida Franchise Area as of the filing date of this Petition.<sup>8</sup>

Respectfully submitted,

**Bright House Networks, LLC**

By: 

Frederick W. Giroux

**Davis Wright Tremaine, LLP**

1919 Pennsylvania Avenue, N.W., Suite 800  
Washington, D.C. 20006  
(202) 973-4200

August 27, 2013

Its Attorney

---

<sup>8</sup> See, e.g., *Time Warner Entertainment-Advance/Newhouse Partnership*, 26 FCC Rcd. 3829, ¶ 28 (2011) (“Consistent with our longstanding practice, the order herein is effective as of the date the petition herein was filed.”) (footnote omitted). See also *Charter Communications Entertainment I LLC*, 26 FCC Rcd. 5975, ¶ 28 (2011).

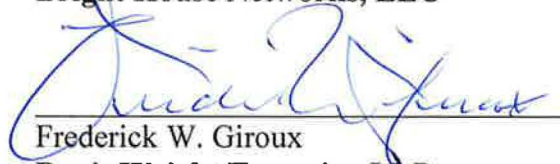
**CERTIFICATION PURSUANT TO 47 C.F.R. § 76.6(a)(4)**

The below-signed signatory has read the foregoing Petition for Special Relief, and to the best of my knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and is not interposed for any improper purpose.

Respectfully submitted,

**Bright House Networks, LLC**

By:



Frederick W. Giroux

**Davis Wright Tremaine LLP**

1919 Pennsylvania Avenue, N.W., Suite 800  
Washington, DC 20006  
(202) 973-4200

Its Attorney

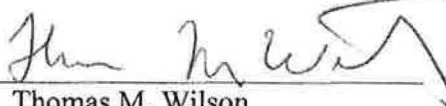
August 27, 2013

# **DECLARATION OF THOMAS M. WILSON**

I, Thomas M. Wilson, declare, under penalty of perjury that:

1. I am a Partner with the law firm of Sabin Bermant & Gould LLP. In this capacity, I am responsible for overseeing effective competition filings for Bright House Networks, LLC ("Bright House Networks").
2. I have read the foregoing Petition for Special Relief ("Petition") and am familiar with the contents thereof and the matters referred to therein.
3. The facts contained within the Petition are true and correct to the best of my knowledge, information and belief.

Date: August 26, 2013

  
\_\_\_\_\_  
Thomas M. Wilson

## **EXHIBIT 1**



GCT-H2

General Housing Characteristics: 2010 - County -- County Subdivision and Place

2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

Geography: Escambia County, Florida

Geographic area	Total housing units	Occupied housing units	Vacant housing units		
			Total	Percent	
				For sale only	For rent
Escambia County	136,703	116,238	20,465	11.3	39.0
COUNTY SUBDIVISION AND PLACE					
Cantonment CCD	20,335	18,763	1,572	21.6	33.5
Ensley CDP (part)	2,966	2,676	290	16.6	54.8
Ferry Pass CDP (part)	2,268	2,036	232	11.2	64.2
Gonzalez CDP	5,244	4,910	334	23.4	31.4
Remainder of Cantonment CCD	9,857	9,141	716	26.3	15.8
Century CCD	3,557	3,152	405	10.4	18.5
Century town	765	644	121	5.8	20.7
Molino CDP (part)	467	415	52	21.2	17.3
Remainder of Century CCD	2,325	2,093	232	10.3	17.7
Northwest Escambia CCD	1,823	1,680	143	15.4	11.2
Molino CDP (part)	51	43	8	25.0	0.0
Remainder of Northwest Escambia CCD	1,772	1,637	135	14.8	11.9
Pensacola CCD	110,988	92,643	18,345	10.4	40.2
Bellview CDP	10,022	9,185	837	20.9	39.3
Brent CDP	8,074	7,086	988	14.9	46.4
Ensley CDP (part)	6,711	5,778	933	19.7	45.6
Ferry Pass CDP (part)	11,836	10,614	1,222	10.2	59.7
Goulding CDP	1,133	930	203	5.4	28.6
Myrtle Grove CDP	6,955	5,971	984	11.1	66.0
Pensacola city	26,848	23,592	3,256	14.3	38.7
Warrington CDP	7,424	6,232	1,192	12.8	40.8
West Pensacola CDP	10,246	8,547	1,699	9.9	48.0
Remainder of Pensacola CCD	21,739	14,708	7,031	5.4	30.8
PLACE					
Bellview CDP	10,022	9,185	837	20.9	39.3
Brent CDP	8,074	7,086	988	14.9	46.4
Century town	765	644	121	5.8	20.7
Ensley CDP	9,677	8,454	1,223	19.0	47.8
Ferry Pass CDP	14,104	12,650	1,454	10.4	60.5
Gonzalez CDP	5,244	4,910	334	23.4	31.4
Goulding CDP	1,133	930	203	5.4	28.6
Molino CDP	518	458	60	21.7	15.0
Myrtle Grove CDP	6,955	5,971	984	11.1	66.0
Pensacola city	26,848	23,592	3,256	14.3	38.7
Warrington CDP	7,424	6,232	1,192	12.8	40.8
West Pensacola CDP	10,246	8,547	1,699	9.9	48.0

$$1 - \sum (2) (24,239) = 92,002$$

## **EXHIBIT 2**



<b>Community</b>	<b>Bright House Subscribers</b>	<b>2010 Census Data Occupied Housing Units</b>	<b>% of Bright House Penetration Col B/Col C</b>
Escambia County	4,341	92,002	4.72%

### **CERTIFICATE OF SERVICE**

I, Deborah D. Williams, do hereby certify on this 27<sup>th</sup> day of August 2013, that a true and correct copy of the foregoing "Petition for Special Relief" has been sent via U.S. mail, postage prepaid to the following:

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

William Lake, Chief  
Media Bureau  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Escambia County Commissioners  
221 Palafox Place  
Pensacola, FL 32502

  
Deborah D. Williams